



Coughlin Duffy<sup>LLP</sup>

# Adam M. Smith

Partner

[asmith@coughlinduffy.com](mailto:asmith@coughlinduffy.com)

88 Pine Street, 28th floor  
Wall Street Plaza  
New York, NY 10005  
Direct (212) 612-4995  
Fax (212) 480-3899

350 Mount Kemble Avenue  
P.O. Box 1917  
Morristown, NJ 07962



Adam M. Smith is a Partner and Co-Practice Group Leader in the Firm's Insurance and Reinsurance Services Group.

Adam concentrates his practice in the areas of insurance and reinsurance coverage litigation, litigating complex insurance coverage disputes on behalf of insurers and reinsurers in jurisdictions across the nation. He has litigated matters and counseled clients with respect to a wide variety of claims concerning comprehensive general liability, professional liability, directors and officers, errors and omissions, medical stop loss and first party property insurance policies.

Adam has represented numerous clients regarding professional liability claims, including issues such as related to the application of "business risk" exclusions, coverage for prior acts and rescission. In addition, Adam has provided representation to his clients for general liability policies involving asbestos pollution, toxic torts and construction exposures.

Adam has utilized his extensive insurance experience to identify early opportunities for favorable settlements for his clients. When early settlement is not preferred or possible, Adam has litigated coverage disputes on behalf of his clients against some of the largest Fortune 500 companies in the manufacturing, financial institution and chemical industries. Adam also has experience with commercial disputes. His clients have relied upon his expertise to resolve construction, employment and partnership dissolution disputes.

Adam received his B.A. degree from the University of Massachusetts, Amherst in 1990. Upon graduation from Fordham University School of Law, Adam became associated with a well-established international law firm where he concentrated his practice in the areas of insurance coverage litigation, product liability and professional malpractice. He became a Partner in the firm in 2001, and he remained with

that firm until 2005. Adam joined Coughlin Duffy LLP in March 2005 and became a Member in July 2006.

Adam is a frequent speaker at events organized by the American Bar Association, the CPCU Society and other organizations.

## **Services**

Commercial Litigation

Insurance

Professional Liability - Defense

Professional Liability and Directors & Officers

## **Education**

Fordham University School of Law, (J.D. 1994)

University of Massachusetts, Amherst, (B.A. 1990)

## **Professional Admissions**

Supreme Court of the United States (2001)

United States Court of Appeals for the Third Circuit (1997)

United States Court of Appeals, District of Columbia (2015)

United States District Court for the District of New Jersey (1994)

United States District Court for the Eastern District of New York (2010)

United States District Court for the Southern District of New York (2010)

State of New Jersey (1994)

State of New York (1995)

## **Experience**

- Counseling clients and litigating matters related to insurance coverage for mass tort, lawyers professional liability, construction and financial institution claims.
- Litigated declaratory judgment action concerning lawyers professional liability policies.
- Litigated numerous matters related to insurance coverage for asbestos bodily injury claims, including in the bankruptcy context.

- Counseled and litigated on behalf of insurers concerning medical stop-loss coverage disputes.
- Represented insurers and their insureds with regard to risk transfer issues arising out of large construction projects.

## **News**

### **New Jersey Appellate Division Upholds No Coverage Determination Based Upon Material Misrepresentation**

May 3, 2018

### **First Department Holds That Additional Insured Is Not Subject to Self-Insured Retention**

June 23, 2017

### **New York Court of Appeals Narrowly Construes “Caused By” Language In Additional Insured Endorsement**

June 6, 2017

### **New York Court of Appeals Hears Argument Regarding “Caused By” Language**

April 27, 2017

### **Does “Caused By” Mean “Arising Out Of”? New York Court of Appeals Likely to Decide**

July 29, 2016

### **New York High Court Holds That All Sums Allocation Method And Vertical Exhaustion Applies**

May 4, 2016

### **Prejudice Not Required For New Jersey Late Notice Defense Under Claims-Made Policies**

February 17, 2016

### **New York Courts Continue To Erode Attorney-Client Privilege**

May 13, 2015

### **Southern District of New York Permits Excess Insurer's Bad Faith Claim To Proceed to Trial**

January 24, 2014

### **New York Appellate Division Construes the “Caused By” Language In an Additional Insured Provision Broadly**

January 24, 2012

## **New York Court of Appeals Addresses Annualization of Limits and “Stub” Policies**

February 28, 2011

## **New Jersey Appellate Division Upholds \$30.3 Million Verdict In Mesothelioma Asbestos-Exposure Case**

April 8, 2010

## **Events**

### **Emerging Issues in Insurance Coverage Seminar**

### **Adam M. Smith to speak at the ABA's National Legal Malpractice Conference**

## **Speaking Engagements**

Speaker, “Practical Pointers for Deposition Preparation & Testimony,” London, England (June 13, 2018)

Speaker, "When does a 'claim' 'relate back' under claims made policies?" Coughlin Duffy LLP's Seminar on Emerging Issues in Insurance Coverage (May 10, 2018)

Speaker, "Catastrophic Verdicts: Malpractice Trends Arising out of Low Limit/High Exposure Cases," ABA's National Legal Malpractice Conference (April 26, 2018)

Co-Presenter, "Technology and its Hidden Exposures," presented at CPCU Society I-Day (October 20, 2006)

In the Media:

*Law360*, "Bad Faith Claims Trend Threatens Insurer Attys, Panel Says" (April 26, 2018)

## **Publications and Presentations**

Author, "Types of Reinsurance Contracts," *Thompson Reuters Reinsurance Professional's Deskbook – A Practical Guide* (2015)

Author and Presenter, "New Technologies and the Perils They Create," published and presented at ABA's Insurance Coverage Litigation CLE Seminar (March 2-4, 2006)

Author, "The Unexpected Excess Verdict: Insurance Obligations Related to the Posting and/or Payment of Premium of an Appeal Bond," published and presented

at ABA's TIPS Insurance Coverage Litigation Committee 2008  
Mid-Year Meeting (February 2008)

Co-Author, "Bad Faith Under a Commercial General Liability  
Policy," ABA's The Reference Handbook on the  
Comprehensive General Liability Policy (2010)

Co-Author, "Scope of Coverage," ABA's The Handbook on  
Additional Insureds (2012)

Author, "Additional Insured Issues in the Construction  
Industry," published and presented at the New Jersey  
Construction Conference – Insurance Coverage Delays and  
Disputes (September 16, 2014)

### **Membership**

Member, American Bar Association

Member, Defense Research Institute

Member, New York State Bar Association

Member, New Jersey State Bar Association

Member, New Providence Board of Education (1999 -  
present); President, New Providence Board of Education  
(2001-2005)

Member, Professional Liability Underwriting Society